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Paper No.

ELI LILLY & COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS IN 46206-6288

**MAILED**

**MAR 29 2010**

**OFFICE OF PETITIONS**

In re Patent No. 7,618,978	: DECISION ON REQUEST
Bueno Melendo et al.	: FOR
Issue Date: November 17, 2009	: RECONSIDERATION OF
Application No. 10/599,125	: PATENT TERM ADJUSTMENT
Filed: September 20, 2006	: and
Atty Docket No. X-16772	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 17, 2009, which is being treated as a request for reconsideration under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred fifty-six (456) days. As clarified below, the petition will be treated as a petition requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred twenty-three (423) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by four hundred twenty-three (423) days is **GRANTED to the extent indicated herein.**

The "B" delay period is 25 days, not 58 days. Patentee calculated this period based on a commencement date of September 20, 2006. However, the application commenced the national stage under 35 U.S.C. 371(b) on Monday, October 23, 2006. Thus, "B" delay is 25 days, counting the number of days beginning on October 24, 2009, the day after the date three years after the national stage commenced, and ending on November 17, 2009, the date of issuance. See 1.703(b).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred twenty-three (423)** days.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is positioned above the printed name.

Anthony Knight  
Supervisor  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,618,978 B2

DATED : November 17, 2009

DRAFT

INVENTOR(S) : Bueno Melendo et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 398 days.

Delete the phrase "by 398 days" and insert – by 423 days--

Day : Friday  
Date: 3/26/2010

# PALM INTRANET

Time: 08:37:46

PTA Calculations for Application: 10/599125			
Application Filing Date:	09/20/2006	PTO Delay (PTO):	398
Issue Date of Patent:	11/17/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	423
PTO Delay Adjustment:	25		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
69	03/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	25		
63.5	10/28/2009	PTA 36 MONTHS			
63	11/17/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
62	10/22/2009	EXPORT TO FINAL DATA CAPTURE			
61	10/21/2009	FINISHED INITIAL DATA CAPTURE			
60	10/21/2009	DISPATCH TO FDC			
59	10/13/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
58	10/06/2009	ISSUE FEE PAYMENT VERIFIED			
57	10/06/2009	ISSUE FEE PAYMENT RECEIVED			
56	10/02/2009	EMAIL NOTIFICATION			
55	09/28/2009	MAIL-PETITION DECISION - GRANTED			
54	09/25/2009	PETITION DECISION - GRANTED			
45	09/09/2009	MAIL NOTICE OF ALLOWANCE			
44	09/03/2009	ISSUE REVISION COMPLETED			
43	09/03/2009	DOCUMENT VERIFICATION			
42	09/03/2009	EXAMINER'S AMENDMENT COMMUNICATION			
41	09/03/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
40	08/20/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
39	08/31/2009	NOTICE OF ALLOWABILITY			
38	08/14/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
34	08/14/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

33	08/14/2009	FILED			
32	08/14/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	07/14/2009	DATE FORWARDED TO EXAMINER			
30	06/17/2009	RESPONSE AFTER NON-FINAL ACTION			
29	03/17/2009	ELECTRONIC REVIEW			
28	03/17/2009	EMAIL NOTIFICATION			
27	03/17/2009	MAIL NON-FINAL REJECTION			
26	03/12/2009	NON-FINAL REJECTION			
22	02/25/2009	DATE FORWARDED TO EXAMINER			
21	02/23/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
20	01/23/2009	ELECTRONIC REVIEW			
19	01/23/2009	EMAIL NOTIFICATION			
18	01/23/2009	MAIL RESTRICTION REQUIREMENT	398		6
17	01/21/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
16	10/20/2008	CASE DOCKETED TO EXAMINER IN GAU			
15	10/11/2007	PRELIMINARY AMENDMENT			
14	09/27/2007	PG-PUB ISSUE NOTIFICATION			
13	08/21/2007	CASE DOCKETED TO EXAMINER IN GAU			
12	08/09/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
7	07/03/2007	APPLICATION DISPATCHED FROM OIPE			
6	10/22/2006	371 COMPLETION DATE			
5	06/19/2007	SENT TO CLASSIFICATION CONTRACTOR			
4	06/19/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	03/13/2007	CASE CLASSIFIED BY OIPE			

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#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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